

LANG et al.  
"Appl. No. 10/655,595  
December 28, 2005

**AMENDMENTS TO THE DRAWINGS**

Attached is one sheet (1) of replacement drawings for Figures 15, 16 and 17 to replace originally filed Figures 15, 16 and 17.

Attachment: Replacement Sheet

**REMARKS/ARGUMENTS**

Claims 1-17 and 19-67 are pending. By this Amendment, claims 1, 3, 6, 12, 19, 29, 33, 35-37, 43, 54, 65 and 67 and the specification are amended, and claim 18 is canceled.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In the detailed action, Figures 16 and 17 were objected to as failing to include "prior art" legends. Attached hereto are replacement Figures 16 and 17 which now include the requested "prior art" legends.

Reconsideration and withdrawal of the objection are respectfully requested.

Further, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). At the outset, the lines of force 490 are shown in Figure 58. Further, the specification has been updated so as to refer to lips 304a and 304b, instead of lips 310 and 311.

Reconsideration and withdrawal of the objection are respectfully requested.

Claim 29 was objected to based on lack of antecedent basis for "the lines of force".

Claim 29 has been amended for clarity only to obviate this objection.

Claims 1-3, 11, 28-31, 33-36, 54-59, 61 and 65-67 were rejected under 35 U.S.C. §102(e) over Gradon et al. (U.S. Patent No. 6,832,610). This rejection is respectfully traversed.

At the outset, it appears that the rejection is directed to not claims 1-3, but rather claims 1, 2 and 6, especially as claims 3-5 have been indicated to define patentable subject matter.

Claim 1 is directed to a forehead pad comprising a base portion, wherein the base portion defines a first surface, a second surface to contact the user's head, wherein the second surface is concave, and a perimeter including outer and inner sides relative to the user's forehead in use,

and non-parallel lower and upper sides that converge from the outer side to the inner side. The forehead pad also includes a support post that projects from the first surface and comprises a necked down region, and a head adapted to connect the support post to a forehead support of a respiratory mask.

Gradon et al. does not teach or suggest this subject matter. First, Gradon et al. does not teach that the second surface of the base portion is concave. Further, Gradon et al. does not teach or suggest that the base portion defines a perimeter including outer and inner sides relative to the user's forehead in use, and non-parallel upper and lower sides that converge from the outer side to the inner side.

With respect to dependent claim 6, Gradon et al. also does not teach that the second surface defines a raised surface pattern to at least one of aid and airflow, prevent sweating and/or increase comfort to the user. The Office Action takes the position that inasmuch as the raised surface compresses and has an opening Gradon et al. "meets the limitations of aiding in airflow, preventing sweating and increasing comfort to a user." However, Gradon et al. does not teach or suggest in the first instance that the second surface defines a raised surface pattern. Therefore, claim 6 has been placed into independent form.

With respect to claim 33, Gradon et al. does not teach a forehead pad consisting essentially of a base portion and a support post. Gradon et al.'s structure clearly includes additional components such that its forehead pad does not consist essentially of these two components.

Moreover, Gradon et al.'s structure does not teach a base portion having a generally trapezoidal surface to face the user's forehead, as recited in claims 33 and 35. With regard to independent claim 36, Gradon et al. does not teach a respiratory mask including a forehead

support and a forehead pad comprising a base portion, wherein the base portion defines a first surface and a second generally trapezoidal surface opposite the first surface to face the user's forehead.

With regard to independent claim 54, Gradon et al. does not teach at least that the second surface is concave, or that the base portion defines outer and inner sides relative to the user's forehead in use, and non-parallel upper and lower sides that converge from the outer side to the inner side.

With regard to independent claim 65, Gradon et al. does not teach or suggest a respiratory mask comprising a forehead support and a forehead pad comprising a base portion with a first surface and a second generally trapezoidal surface to face the user's forehead.

With regard to independent claim 67, Gradon et al. does not teach or suggest a forehead pad comprising a base portion that defines a first surface and a generally trapezoidal second surface to face the user's forehead, as well as a support post, wherein the second surface substantially evenly distributes force across the forehead pad without localized pressure.

The dependent claims are patentable by virtue of their dependency on various ones of the independent claims described above, in addition to the further features they recite.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 2, 6-12, 18, 28-42 and 46-67 were rejected under 35 U.S.C. §102(a) over Lang (DE 100 45 183 A1). In addition, claims 13-17 and 19-27 were rejected under 35 U.S.C. §103(a) over Lang. These rejections are respectfully traversed.

Lang does not teach a forehead pad (claim 1) or a respiratory mask including a forehead pad (claim 54), comprising a base portion defining a first surface, a second surface and a perimeter including outer and inner sides relative to the user's forehead in use, and non-parallel

upper and lower sides that converge from the outer side to the inner side. Instead, Lang teaches the use of generally circular pads 2, as shown in Figure 3 of Lang.

With regard to independent claim 6, Lang does not teach that the second surface defines a raised surface pattern. Instead, Lang teaches the use of perforations 10 which can be used to prevent the pads from suctioning onto the user's forehead. However, Lang does not teach or suggest a raised surface pattern, as recited in independent claim 6.

With regard to independent claim 12, Lang does not teach or suggest that the support post includes at least one cutaway portion and an associated undercut position between the necked down region and the base portion. As shown in Figure 2, Lang teaches the use of a necked down portion, but does not teach the use of a cutaway portion and an associated undercut, as recited in claim 12.

With regard to independent claims 33 and 35, Lang does not teach or suggest a forehead pad that includes a base portion having a generally trapezoidal surface to face the user's forehead. Instead, Lang teaches the use of generally circular forehead pads that face the user's forehead in use.

With regard to independent claim 36, Lang does not teach a respiratory mask including a forehead pad having a base portion that defines a first surface and a second generally trapezoidal surface opposite the first surface to face a user's forehead.

With regard to independent claim 37, Lang does not teach the use of a forehead pad assembly including a generally trapezoidal base portion to face the user's forehead.

With regard to independent claims 65 and 67, Lang does not teach either a respiratory mask or a forehead pad that includes a base portion having a first surface and a generally trapezoidal second surface to face a user's forehead.

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Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
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PTB:jck

Attachment:

Replacement Figures 15-17

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